

charge may be executed until it is approved by the Governor of the State or territory or Puerto Rico, whichever is concerned, or, in the case of the National Guard of the District of Columbia, by its commanding general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100-456, div. A, title XII, §1234(b)(3), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
331	32:96.	June 3, 1916, ch. 134, §107, 39 Stat. 209.

The words “Federal service” are substituted for the words “service of the United States”. The words “from the service” and “imposed by a * * * court-martial” are omitted as surplusage.

AMENDMENTS

1988—Pub. L. 100-456 substituted “the Governor of the State or territory or Puerto Rico,” for “the governor of the State or Territory, Puerto Rico, or the Canal Zone,”.

§ 332. Compelling attendance of accused and witnesses

In the National Guard not in Federal service, the president of a court-martial or a summary court officer may—

(1) issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(2) issue subpoenas duces tecum and other subpoenas;

(3) enforce by attachment the attendance of witnesses and the production of books and papers; and

(4) sentence for refusal to be sworn or to answer, as provided in actions before civil courts.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
332	32:97 (1st par.).	June 3, 1916, ch. 134, §108, (1st par.), 39 Stat. 209.

The words “Federal service” are substituted for the words “service of the United States”. The word “may” is substituted for the words “shall have power”. The words “for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order” are substituted for the words “to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing * * * a copy of the charge or charges having been delivered to the accused with such order”.

CROSS REFERENCES

Apprehension and restraint of persons subject to Uniform Code of Military Justice, see sections 807 to 814 of Title 10, Armed Forces.

§ 333. Execution of process and sentence

In the National Guard not in Federal service, the processes and sentences of its courts-martial

shall be executed by the civil officers prescribed by the laws of the States concerned. In a State where no provision is made for executing those processes and sentences, and in the Territories, Puerto Rico, and the District of Columbia, the process or sentence shall be executed by a United States marshal or deputy marshal, who shall make a return to the military officer issuing the process or the court imposing the sentence.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
333	32:94 (less 1st par.).	June 3, 1916, ch. 134, §108 (less 1st par.), 39 Stat. 209.

The words “In the National Guard not in Federal service * * * its courts-martial” are substituted for the words “said courts”. The words “executing those processes and sentences” are substituted for the words “such action”. The words “deputy marshal” are substituted for the words “his duly appointed deputy”. The words “and it shall be the duty of any United States marshal to execute all such processes and sentences” are omitted as surplusage.

AMENDMENTS

1988—Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico,”.

CROSS REFERENCES

Apprehension and restraint of persons subject to Uniform Code of Military Justice, see sections 807 to 814 of Title 10, Armed Forces.

[§ 334. Repealed. Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666]

Section, added Pub. L. 94-464, §2(b), Oct. 8, 1976, 90 Stat. 1986; amended Pub. L. 96-513, title V, §515(3), Dec. 12, 1980, 94 Stat. 2937, provided for the payment of malpractice liability of National Guard Medical personnel. See sections 1089(a) of Title 10, Armed Forces, and 2671 of Title 28, Judiciary and Judicial Procedure.

AMENDMENT AFTER REPEAL

Pub. L. 97-258, §3(h)(1), Sept. 13, 1982, 96 Stat. 1065, purported to substitute “section 1304 of title 31” for “section 1302 of the Act of July 27, 1956, (31 U.S.C. 724a)” in subsec. (a) of section 334 of this title, without reference to the earlier repeal of that section by Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666.

EFFECTIVE DATE OF REPEAL

Repeal effective only with respect to claims arising on or after Dec. 29, 1981, see section 4 of Pub. L. 97-124, set out as an Effective Date of 1981 Amendment note under section 1089 of Title 10, Armed Forces.

[§ 335. Repealed. Pub. L. 98-525, title IV, § 414(b)(2)(A), Oct. 19, 1984, 98 Stat. 2519]

Section, added Pub. L. 98-94, title V, §504(b)(1), Sept. 24, 1983, 97 Stat. 632, related to status of certain members of the National Guard performing full-time duty.

CHAPTER 5—TRAINING

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AMENDMENTS

1997—Pub. L. 105–85, div. A, title X, § 1076(b), Nov. 18, 1997, 111 Stat. 1914, added item 509.

1994—Pub. L. 103–337, div. A, title III, § 385(b), Oct. 5, 1994, 108 Stat. 2742, added item 508.

§ 501. Training generally

(a) The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

(b) The training of the National Guard shall be conducted by the several States and Territories, Puerto Rico, and the District of Columbia in conformity with this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 609; Pub. L. 100–456, div. A, title XII, § 1234(b)(1), Sept. 29, 1988, 102 Stat. 2059.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
501(a)	32:61 (1st 24 words).	June 3, 1916, ch. 134, § 91,
501(b)	32:61 (less 1st 24 words).	39 Stat. 206.

In subsection (a), the words “that of” are substituted for the words “the system which is or may be prescribed for”. The word “Army” is substituted for the words “Regular Army”, since the Army is the category for which the discipline and training is prescribed and the Regular Army is a personnel category for which no discipline and training is prescribed. Similarly, the words “Air Force” are used instead of the words “Regular Air Force”.

AMENDMENTS

1988—Subsec. (b). Pub. L. 100–456 struck out “the Canal Zone,” after “Puerto Rico,”.

PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL
IN MEDICALLY UNDERSERVED COMMUNITIES

Pub. L. 102–484, div. A, title III, § 376, Oct. 23, 1992, 106 Stat. 2385, as amended by Pub. L. 103–160, div. A, title III, § 365, Nov. 30, 1993, 107 Stat. 1629; Pub. L. 103–337, div. A, title III, § 384, Oct. 5, 1994, 108 Stat. 2741, provided that:

“(a) PILOT PROGRAM.—The Chief of the National Guard Bureau shall enter into an agreement, approved by the Secretary of Defense, with each of the Governors of one or more States to carry out a pilot program during fiscal years 1993, 1994, and 1995 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

“(b) FUNDING ASSISTANCE.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with

which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance allotments and the pay and allowances allotments for the National Guard of the State for that fiscal year.

“(c) SUPPLIES AND EQUIPMENT.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

“(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, a private agency, or an individual may be used to carry out the pilot program.

“(d) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

“(e) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

“(f) SERVICE OF PARTICIPANTS.—Service in the pilot program by a member of the National Guard shall be considered training in the member’s Federal status as a member of the National Guard of a State under section 270 [see 10147] of title 10, United States Code, and section 502 of title 32, United States Code.

“(g) REPORT.—The Secretary of Defense shall, not later than January 1, 1995, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘health care’ includes the following services:

“(A) Medical care services.

“(B) Dental care services.

“(C) Transportation, by air ambulance or other means, for medical reasons.

“(2) The term ‘Governor’, with respect to the District of Columbia, means the commanding general of the District of Columbia National Guard.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES
PILOT PROGRAM

Pub. L. 104–106, div. A, title V, § 573, Feb. 10, 1996, 110 Stat. 355, provided that:

“(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act [Feb. 10, 1996] and such authority shall terminate as of the end of that period.

“(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.”

Pub. L. 102–484, div. A, title X, § 1091, Oct. 23, 1992, 106 Stat. 2519, as amended by Pub. L. 103–82, title I,